IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 12243 of 2004

Between:

Shaik Abdul Khader Al-Amodi, S/o. Late Shaik Abdul Rahman Al-Amodi,
R/o. 3-5-782/1, Pardegate, King Koti, Hyderabad.

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation, of Hyderabad,
Tank Bund, Hyderabad.
2 The Addl. Commissioner, East Zone, Municipal Corporation
of Hyderabad, Abids, Hyder abad.
3 The Executive Engineer, Division No. 5, East Zone, M.C.H.
Circle No.3, Abids, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or order or direction more particularly one in the nature of writ of Mandamus directing the Respondents herein not to lay the CC road from H.No.3-5-782/K/2 to 3-5-782/4 at Pardha Gate, King Koti, Hyderabad, without removing encroachments on the said road and further declare the action of the 3rd respondent in giving work order to lay the CC road without removing the encroachments as illegal, arbitrary and without any authority of law.

Counsel for the Petitioner: MR.RAJA REDDY KONETI, Advocate

Counsel for the Respondents: MR.G.RAMA RAO, SC for MCH

The Court at the admission made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for respondents and at their request, the writ petition itself is taken up for final disposal at the admission stage.

The petitioner claiming to be President of Nizam Welfare Association filed this writ petition, seeking a direction to the respondents not to lay concrete cement (CC) road sanctioned from House Nos.
3-5-782/K/2 to 3-5-782/4 at Pardha Gate, King Koti, Hyderabad without removing the encroachments thereon.

It is alleged that the road in question, which is 20 feet in width, to which CC road was sanctioned, was encroached by one Mirza Mustafa Ali Baig and Habeeb Moosa Al-Aidroos to an extent of 16 feet and without removing the said encroachments, the respondents-authorities are going ahead with laying of the road. According to the petitioner, if the CC road is laid without removing the encroachments thereon, lot of inconvenience would be caused to the people of that locality, and more so to the vehicular movement. It is stated that the petitioner submitted a representation dated 1-7-2004, to the third respondent to take necessary action in the matter, but to no avail. Since the third respondent has not taken any action, he made another representation dated 8-7-2004 to respondents 1 and 2, but even they did not take any action in the matter. Hence, the writ petition.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with the following directions:

Respondent Nos. 1 and 3 are directed to consider and dispose of the representations said to have been made by the petitioner, in accordance with law, and pass appropriate orders thereon expeditiously, preferably within a period of four weeks from the date of receipt of copy of this order.

With the above direction, the writ petition is disposed of. No costs.

N.V. RAMANA, J

Date: 16-07-2004

Svv

To

1 The Commissioner, Municipal Corporation, of Hyderabad, Tank Bund, Hyderabad.
2 The Addl. Commissioner, East Zone, Municipal Corporation of Hyderabad, Abids, Hyderabad.
3 The Executive Engineer, Division No. 5, East Zone, M.C.H. Circle No.3, Abids, Hyderabad.

4 Two CD copies.